

# JUDICIAL ACTIVISM AND PAKISTAN'S DEMOCRACY

## 1- Introduction

**Thesis Statement:** Judicial activism has hampered democracy in Pakistan by legalizing dictatorial regimes, removing incumbent prime-ministers and accepting delay in elections.

Doctrine of necessity and suo motu powers served as basis of judicial activism. However, by democratization of judiciary, constitutionalization of judicial appointments and avoiding politicization of judiciary can reduce judicial activism in Pakistan.

## 2- What is judicial activism and its role in Democracy

### 3- Tattered State of Democracy in Pakistan

- a- Long term military rules
- b- Paralysed state of Parliament
- c- Prolonged and empowered caretaker setup
- d- Suppression of public opinion

## 4. Basis of judicial activism in Pakistan

- a- Doctrine of necessity
- b- Suo motu powers
- c- Personal inclination of judges
- d- Pressure from state institutions

## 5- How judicial activism has hampered democratic process in Pakistan

- a- Dismissing incumbent prime ministers
- b- Legalizing dictatorial regimes
- c- Accepting delay in general elections
- d- Deviance from neutrality in judgements
- e- Judiciary as political player

**6- Steps necessary to reduce judicial activism in Pakistan**

- a- Democratization of judiciary
- b- Constitutionalization of appointment of judiciary
- c- Avoiding politicization of judiciary
- d- Following constitution in true spirit
- e- Political problems should be solved in Parliament

**7- Conclusion**

- a- ...
- b- ...
- c- ...
- d- ...

Decision of necessity